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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 July 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   In view of the appeal brief filed on 7/20/2005, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied

by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,

1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2.   Claims 1-27 are pending in this application. Claims 1, 26 and 27 are independent

claims. This Office Action is issued to correct a typographical error made in item 36 of

the last Office Action issued 6/6/2005. **The rejection under 35 USC 112 made on**

claim 12 should be corrected to claim 10. The applicant is also reminded of the

last appeal brief filed is not in compliance with 37 CFR 41.37© (see MPEP 1205).

3.   This application is a CIP of application number 09/684,595 filed 10/05/2000.

4.   The present title of the invention is "Previewing and manipulating a framed image

print" as filed originally.

Claim Rejections - 35 USC § 103

5.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

6.   Claim 1-9, 11, 18 and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Oles (US 6,047,130) and further in view of Teo (6,064,399).

As per claim 1, Oles discloses a method of generating a frame prototype image

showing a picture image framed within a ftame, the method comprising:

providing a frame image showing the frame in a perspective view, the frame

image having a picture portion corresponding to the portion of the frame used to view a

picture mounted in the frame (Figure 4 26);

mapping the picture image to the picture portion of the frame image in order to

generate the frame prototype image wherein the perspective frame image is not shown

in a head-on view (Figure 3 24 is mapped to Figure 4); and

providing an enhanced edit set along with the frame image, the enhanced edit

set including user manipulatable tools for editing either the picture or the frame in the

perspective view (Figure 3 22).

Oles discloses a system of generating a frame prototype image. It is noted that

Oles does not explicitly disclose the perspective frame image is not shown in a head-on

view, however, this is known in the art as taught by Teo. Teo discloses a method of

constructing a panoramic image in which a picture image is shown not in a head-on

view (Figure 2- 210).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Teo into Oles because Oles

discloses a system of generating a frame prototype image and Teo discloses the

displayed image could be not in head-on view in order to maintain a proper perspective.

7.   As per claim 2, Oles and Teo demonstrated all the elements as applied to the rejected independent claim 1, supra, and Oles further discloses identifying a picture portion of the frame image (Figure 3 24).

8.   As per claim 3, Oles and Teo demonstrated all the elements as applied to the rejected dependent claim 2, supra, and Oles further discloses identifying the picture portion of the frame image includes providing a mat identifying the picture portion of the frame image (Figure 3 26).

9.   As per claim 4, Oles and Teo demonstrated all the elements as applied to the rejected dependent claim 3, supra, and Oles further discloses the mat includes a plurality of pixels, each pixel having a pixel value (since the display device is a computer display, it is inherent that the image is represented by a plurality of pixels).

10.   As per claim 5, Oles and Teo demonstrated all the elements as applied to the rejected dependent claim 4, supra, and Oles further discloses identifying the picture portion of the frame image includes setting each pixel in the mat that corresponds to the picture portion of the frame image to a first pixel value (since pixels are used to represent a picture, it is inherent that the pixels are at certain values at any time).

11.   As per claim 6, Oles and Teo demonstrated all the elements as applied to the rejected dependent claim 2, supra, and Oles further discloses identifying the picture portion of the frame image includes identifying the outer perimeter of the picture portion of the frame image (Figure 2 when a picture is selected, its picture and frame are identified).

12.   As per claim 7, Oles and Teo demonstrated all the elements as applied to the

rejected independent claim 1, supra, and Oles further discloses wherein the picture

portion of the frame image has a quadrilateral shape and the method further includes

identifying the picture portion of the frame image including identifying the four corners of

the picture portion (Figure 2 shows the picture is quadrilateral shape and since the

picture is movable, its four corners are identified).

13.   As per claim 8, Oles and Teo demonstrated all the elements as applied to the

rejected independent claim 1, supra, and Oles further discloses displaying the frame

prototype image (Figure 3 62).

14.   As per claim 9, Oles and Teo demonstrated all the elements as applied to the

rejected independent claim 1, supra, and Oles further discloses wherein mapping the

picture image to the picture portion of the frame image includes texture mapping the

picture image to the picture portion of the frame image (Figure 4 26 to Figure 5 26).

15.   As per claim 11, Oles and Teo demonstrated all the elements as applied to the

rejected independent claim 1, supra, and Oles further discloses the frame image is

captured using a digital camera (Figure 1 50 the CCD connected to 54 the computer).

16.   As per claim 18, Oles and Teo demonstrated all the elements as applied to the

rejection of independent claim 1, supra, and Oles further discloses the enhanced image

set includes a rotation tool and the method includes

        rotating the picture image in the frame in accordance with user instructions ("the

operator being able to manipulated or post-process the video image in a variety of ways

including reducing or enlarging the image, rotating the image, or repositioning the image

on the video portrait viewer 20", column 4, line 52-55); and

presenting the rotated picture image in the frame of the framed image (Figure 3).

17.   As per claim 26, Oles discloses a computer program product tangibly embodied

in a computer-readable medium, for generating a frame prototype image showing a

picture image framed within a frame, comprising instructions operable to cause a

computer to:

receive the picture image ("computer 54 sends an activation signal to video

charge coupled device (CCD) camera 50 to take or acquire a video image of subject

60", column 4, line 13-15);

store a frame image showing the frame in a perspective view and a mat

identifying the picture portion of the frame image (Figure 4 24);

map the picture image to the picture portion of the frame image in order to

generate the frame prototype image wherein the frame image is not shown in a head-on

view (Figure 3 24 is mapped to Figure 4 24); and

provide an enhanced edit set along with the frame prototype image, the

enhanced edit set including user manipulatable tools for editing either the picture or the

frame in the perspective view (Figure 3 22).

Oles discloses a system of generating a frame prototype image. It is noted that

Oles does not explicitly disclose the perspective frame image is not shown in a head-on

view, however, this is known in the art as taught by Teo. Teo discloses a method of

constructing a panoramic image in which a picture image is shown not in a head-on

view (Figure 2- 210).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Teo into Oles because Oles

discloses a system of generating a frame prototype image and Teo discloses the

displayed image could be not in head-on view in order to maintain a proper perspective.

18.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles in

view of Teo, and further in view of Kurashige (US 5,282,262).

19.   As per claim 10, Oles and Teo demonstrated all the elements as applied to the

rejected independent claim 1, supra.

Oles and Teo disclose a system of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose "mapping the picture image to the

picture portion of the frame image includes mapping the picture image to the picture

portion of the frame image using the illumination of the picture portion of the frame

image", however, this is known in the art as taught by Kurashige. Kurashige discloses a

method of transforming a two-dimensional image by illumination on a three-surface

(Figure 4A-4B).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Kurashige into Oles and Teo

because Oles and Teo disclose a system of generating a frame prototype image and

Kurashige discloses mapping an image into an illuminated region in order to make the

image more realistic.

20.   Claims 12-17, 19-22 and 24-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Oles in view of Teo, and further in view of Oberg (US 5,870,771).

21.   As per claim 12, Oles and Teo demonstrated all the elements as applied to the

rejection of independent claim 1, supra.

Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose the enhanced image set includes a

cropping tool, however, this is known in the art as taught by Oberg. Oberg discloses a

cropping toll and the method includes

cropping the picture in accordance with user instruction (The digital image can be

modified at 36 as the software allows the customer to crop the edges", column 6, line 1-

3); and

presenting the cropped picture in the picture portion of the frame image (Figure

2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Oberg into Oles and Teo because

Oles and Teo disclose a method of generating a framed prototype image and Oberg

discloses the image can be cropped in order to display desired picture portion.

22.   As per claim 13, Oles and Teo demonstrated all the elements as applied to the

rejection of independent claim 1, supra.

Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose the enhanced image set includes a

border tool, however, this is known in the art as taught by Oberg. Oberg discloses a

border tool and the method includes

adjusting the border of the picture in accordance with user instructions ("allows

the customer to adjust sizes and colors of the frame", column 6, line 64); and

presenting the picture including new border in the picture portion of the frame

image (Figure 2C Create order template and output composite image of selection).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Oberg into Oles and Teo because

Oles and Teo disclose a method of generating a framed prototype image and Oberg

discloses the image can be bordered in order to display desired picture portion.

23.   As per claim 14, Oles and Teo demonstrated all the elements as applied to the

rejection of independent claim 1, supra.

Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose the enhanced image set includes an

effects tool, however, this is known in the art as taught by Oberg. Oberg discloses an

effect tool and the method includes

applying an effect to the picture in accordance with user instructions ("The digital

image can then be modified at 36 ..., or alter the image in some other way such as

changing colors or features, or combining the original image with portions from other

digital images", column 6, line 1-6); and

presenting the picture including selected effect in the picture portion of the frame

image (Figure 2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles and Teo because Oles and Teo disclose a method of generating a framed prototype image and Oberg discloses the image can be effected in order to enhance the image.

24.   As per claim 15, Oles, Teo and Oberg demonstrated all the elements as applied to the rejection of claim 14, supra.

As for selecting the effect from the group consisting of black & white, soft focus, color tone and saturate, since these features are notoriously well known in the art in creating special effects image, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate theses features for selection in order to have a more expressive appearance of the image.

25.   As per claim 16, Oles, Teo and Oberg demonstrated all the elements as applied to the rejection of claim 14, supra, and Oberg further discloses the effect applied is color tone and the method further comprises

receiving color tone adjustment data and presenting a color tone adjusted picture in the picture portion of the frame ("The digital image can then be modified at 36 ..., or alter the image in some other way such as changing colors or features", column 6, line 1-5).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Oberg into Oles and Teo because Oles and Teo disclose a method of generating a framed prototype image and Oberg discloses the image can be effected in order to enhance the image.

26.   As per claim 17, Oles and Teo demonstrated all the elements as applied to the

rejection of independent claim 1, supra.

        Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose a rotation tool, however, this is known

in the as taught by Oberg. Oberg discloses a rotating tool and the method includes

        rotating the frame in accordance with user instructions ("Figure 4 illustrates this

capability by showing a number of composite images 80 with different locations,

orientations, and shapes of openings in the matting material", column 7, line 55-57.

Thus, indicating rotating capability of the frame by the software controllable by the user);

and

        presenting the rotated framed in the framed image (Figure 4 illustrates this

capability by showing a number of composite images 80 with different locations,

orientations, and shapes of openings in the matting material", column 7, line 55-58).

        Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Oberg into Oles and Teo because

Oles and Teo disclose a method of generating a framed prototype image and Oberg

discloses the image can be rotated in order to set the image to the desired orientation.

        As for rotating the frame, since the image can be rotated, it would have been

obvious to one o ordinary skill in the art to consider rotating the frame as well in order to

fit the image into the frame.

27.   As per claim 19, Oles and Teo demonstrated all the elements as applied to the

rejection of independent claim 1, supra.

Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose the enhanced image set includes a

border tool, however, this is known in the art as taught by Oberg. Oberg discloses a

boarder tool and the method includes receiving a border width selection ("The widths of

the matting along any side of the artwork is variable and selectable", column 6, line 43-

44, indicating the width information is received);

adjusting the border width of the picture image in accordance with the border

width selection ("The widths of the matting along any side of the artwork is variable and

selectable", column 6, line 43-44, indicating the width is adjusted); and

presenting the picture image including adjusted border in the framed image

(Figure 2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Oberg into Oles and Teo because

Oles and Teo disclose a method of generating a framed prototype image and Oberg

discloses the image can be boardered in order to enhance the boardered image.

28.   As per claim 20, Oles and Teo demonstrated all the elements as applied to the

rejection of independent claim 1, supra.

Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose the enhanced image set includes a

frame adjustment button, however, this is known in the art as taught by Oberg. Oberg

discloses a frame adjustment button and the method includes

receiving a frame size selection ("The widths of the matting along any side of the

artwork is variable and selectable, and the framing projects can be of any size", column

6, line 43-45. Thus, indicating a frame size is selectable.);

changing a size of the frame in the perspective view in accordance with the

frame size selection ("The widths of the matting along any side of the artwork is variable

and selectable, and the framing projects can be of any size", column 6, line 43-45.);

mapping the picture image to a picture portion of the new size frame (Figure 2B

50); and

presenting the picture image in the framed image (Figure 2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Oberg into Oles and Teo because

Oles and Teo disclose a method of generating a framed prototype image and Oberg

discloses the image frame can be adjusted in order to enhance the appearance of the

boardered image.

29.   As per claim 21, Oles and Teo demonstrated all the elements as applied to the

rejection of independent claim 1, supra.

Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose the enhanced image set includes a

trimming tool, however, this is known in the as taught by Oberg. Oberg discloses a

trimming tool and the method includes

trimming the picture image in accordance with user instructions (Figure 2A 36

"The digital image can then be modified at 36 as the software allows the customer to

crop the edges, delete unnecessary or undesirable portions of the image", column 6,

line 1-3); and

presenting the trimmed picture image in the frame of the framed image (Figure

2B 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Oberg into Oles and Teo because

Oles and Teo disclose a method of generating a framed prototype image and Oberg

discloses the image can be trimmed in order to display desired picture portion.

30.   As per claim 22, Oles and Teo demonstrated all the elements as applied to the

rejection of independent claim 1, supra.

Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles does not explicitly disclose the enhanced image set includes a delight

me tool, however, this is known in the art as taught by Oberg. Oberg discloses a delight

me tool and the method includes

activating the delight me tool upon user request ("the system allows the customer

to choose whether to have the system analyze the image at 38", column 6, line 8-9);

automatically selecting a feature or effect to apply to the framed image (Figure

2A, item 42 "the database 42 is an expert system that emulates store personnel who

are trained in selecting coordinating combinations of frame moulding and matting

material based on the color combination and subject matter of the artwork", column 6,

line 5-18);

applying the selected feature to the framed image (Figure 2A 44); and

presenting the framed image (Figure 2A 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Oberg into Oles and Teo because

Oles and Teo disclose a method of generating a framed prototype image and Oberg

discloses the image frame can be adjusted in order to enhance the appearance of the

image.

31.   As per claim 24, Oles, Teo and Oberg demonstrated all the elements as applied

to the rejection of claim 22, supra, and Oberg further discloses the step of automatically

selecting a feature or effect includes selecting a feature or effect to apply to the picture

image ("The software is also capable of analyzing the input image for color composition,

determining dominant and secondary colors, and presenting combinations that

complement the artwork", column 6, line 24-27).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Oberg into Oles and Teo because

Oles and Teo disclose a method of generating a framed prototype image and Oberg

discloses the image frame can be adjusted in order to enhance the appearance of the

image.

32.   As per claim 25, Oles and Teo demonstrated all the elements as applied to the

rejection of claim 1, supra.

Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose the step of automatically selecting a

feature or effect includes selecting a feature or effect to apply to the frame, however,

this is known in the art as taught by Oberg. Oberg discloses "the software in the present

invention allows him to search according to various input criteria such as types of

materials for frame molding, matting material colors, cost, or whether he desires a

ready-made frame or a custom-made frame" (column 6, line 31-35).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Oberg into Oles and Teo because

Oles and Teo disclose a method of generating a framed prototype image and Oberg

discloses the image frame can be adjusted in order to enhance the appearance of the

image.

33.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles

(6,047,130) in view of Teo, and further in view of Morris (6,453,361).

As per claim 27, Oles discloses a system for generating a frame prototype image

showing a picture image framed within a frame, the system comprising:

a client computer in communication with a computer network (Figure 1 20 and 48

are clients, together with 54 formed a network);

a server, in communication with a computer network, having server software

embodied in a computer-readable medium, the server software comprising instructions

operable to cause the server to:

receive the picture image from the client computer (Figure 1 48);

store a frame image showing the frame in a perspective view and a mat

identifying the picture portion of the frame image (Figure 4 26 as frame and 24 as mat);

map the picture image to the picture portion of the frame image in order to

generate the frame prototype image wherein the frame image is not shown in a head-on

view (Figure 3 24 to Figure 4 24); and

present an enhanced edit set along with the frame prototype image, the

enhanced edit set including user manipulatable tools for editing either the picture or the

frame in the perspective view (Figure 3 22); and

wherein the client computer includes client software embodied in a computer

readable medium, the client software comprising instructions operable to cause the

client computer to upload the picture image to the server (Figure 1 20 and 48).

Oles discloses a system of generating a frame prototype image. It is noted that

Oles does not explicitly disclose the perspective frame image is not shown in a head-on

view, however, this is known in the art as taught by Teo. Teo discloses a method of

constructing a panoramic image in which a picture image is shown not in a head-on

view (Figure 2- 210).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Teo into Oles because Oles

discloses a system of generating a frame prototype image and Teo discloses the

displayed image could be not in head-on view in order to maintain a proper perspective.

Oles and Teo disclose a method of generating a frame prototype image. It is

noted that Oles and Teo do not explicitly disclose the client software contains

instructions to cause client computer to upload the picture image to the server, however,

this is known in the art as taught by Morris. Morris discloses a photo-service website in

which the photo image can be uploaded to a photo-sharing website (column 1, line 28-29).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Morris into Oles and Teo because Oles and Teo disclose a method of generating a frame prototype image and Morris discloses the images can be uploaded to a server in order for it to be shared by multiple users.

34.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oles, Teo and Oberg (US 5,870,771) as applied to claim 22 above, and further in view of Freeman et al. (US 6,356,288).

As per claim 23, Oles, Teo and Oberg demonstrated all the elements as applied to the rejection of claim 22, supra.

Oles, Teo and Oberg disclose a method of generating a frame prototype image. It is noted that Oles, Teo and Oberg do not explicitly disclose automatically selecting a feature includes randomly selecting a feature, however, this is known in the art as taught by Freeman et al., hereinafter Freeman. Freeman discloses a software agent in which it could "select randomly or according some other scenario from among the cinematographic effects available" (column 2, line 20-23).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Freeman into Oles, Teo and Oberg because Oles, Teo and Oberg disclose a method of generating a frame prototype image

and Freeman discloses the feature of the effects can be randomly selected in order to

mask latency.

Claim Rejections - 35 USC § 112

35.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification teaches the illumination of the white piece of paper is used to

illuminate the texture –mapped picture image, however, the specification does not

explain how this is done.

36.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 recites the limitation "mapping the picture image to the picture portion of

the frame image using the illumination of the picture portion of the frame image" in line

2-3. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

37.   Applicant's arguments with respect to claims 1, 26 and 26 have been considered

but are moot in view of the new ground(s) of rejection.

As per claim 10, Oles discloses display image in perspective view. Applicant alleges there no reason to combine Oles with Kurashige. In reply, examiner considers to present a more realistic image is the motivation.

As per claims 12-17, 19-22 and 24-25, applicant alleges neither Oles nor Oberg provides enhanced edit set. In reply, examiner consider since Oberg discloses "The digital image can be modified at 36 as the software allows the customer to crop the edges" (column 6, line 1-3), Oberg provides an enhanced edit set.

As per claim 27, applicant alleges neither Oles nor Morris provides enhanced edit set. In reply, examiner considers Morris discloses an internet based photo-service (see Abstract), the motivation to combine is to share and edit an image in a multiple user internet environment.

Conclusion

38.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R. Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

   Information regarding the status of an application may be obtained from the

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Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Yang
August 18, 2006

                                                                RYAN YANG
                                                            PRIMARY EXAMINER